

**ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD
MINUTES OF CHARGING BOARD MEETING HELD OCTOBER 19, 2005
PHOENIX, ARIZONA**

A Public Meeting of the Arizona Peace Officer Standards and Training Board was convened on October 19, 2005, at the AZ POST facility, located at 2643 E. University Drive, Phoenix, AZ.

Members Present:

- Chairman Gary Butler
- Attorney General Terry Goddard
- Ms. Lisa Flores
- Director Roger Vanderpool
- Director Dora Schriro / Mr. Gary Phelps, representing Director Schriro
- Assistant Chief Andy Anderson, representing Chief Jack Harris
- Chief Patricia Huntsman
- Sheriff Clarence Dupnik
- Dr. Michael Polakowski
- Mr. Joseph Duarte
- Detective Robert Thompson

Members Absent:

- Chief Jerry Sheridan
- Sergeant Tamatha Villar

Staff in Attendance:

- Tom Hammarstrom
- Lyle Mann
- Bob Forry
- Ted Brandon
- Curt Milam
- Gary Maschner
- Marie Dryer
- Sgt. Rick Watling
- Sgt. Jim DeLung
- Officer Mark Zbojnowicz
- Donna Freed
- Maria Valtierra
- Rosalee Fitch
- Ed Felix
- Lois Sherlock

Attorney for the Public Body Present:

Victoria Mangiapane, Solicitor General

Guest Roster:

Paul Felice, ADC

Paul Davenport, Associated Press

Colin Peabody, AZ POST retired

Brad Gagnepain, Pima County S.O.

Jan Madeya, ACIP

Diana Stabler, Assistant A. G.

A. Call to Order

Chairman Butler called the meeting to order at 10:00 a.m.

B. Consideration of complaints against peace officer certification based upon reports of misconduct.

Final Action Cases:

Case #1 – Vance Barlow. The Board considered comments from Assistant A.G. Diana Stabler. Ms. Flores made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Chief Huntsman, motion carried unanimously.

Case #2 – Samuel Roundy. The Board considered comments from Assistant A.G. Diana Stabler. Chief Huntsman made a motion to adopt the Findings of Fact and Conclusions of Law and revoke peace officer certification, seconded by Director Vanderpool, motion carried unanimously.

Case #3 – Salli J. Baldonado. *Chairman Butler recused himself from participation and voting on this case.* Sheriff Dupnik made a motion that given the unique circumstances of this person's use, the Board grant the petition for a determination that the pre-employment marijuana usage by Salli J. Baldonado was experimental, seconded by Mr. Duarte, motion carried with 1 nay vote.

Case #4 – Kilee E. Carbajal. The Board considered comments from Assistant A. G. Diana Stabler. Ms. Flores made a motion to adopt the Findings of Fact and Conclusions of Law, seconded by Chief Huntsman, motion carried unanimously. Director Vanderpool made a motion to suspend peace officer certification for one year from today's date, seconded by Mr. Phelps, motion carried with 3 nay votes.

Charging Board Cases:

Case #1 – Germaine T. Barnes. *Assistant Chief Anderson recused himself from participation and voting on this case.* Ms. Flores made a motion to close the case with No Action with Agency Discretion, seconded by Mr. Phelps, motion carried unanimously.

Case #2 – John T. Brooks. Mr. Phelps made a motion to initiate proceedings and offer a consent agreement, seconded by Director Vanderpool, motion carried with 1 nay vote.

Case #3 – Brian A. Daw. Director Vanderpool made a motion to close the case with No action with Agency Discretion, seconded by Mr. Duarte, motion carried unanimously.

Case #4 – Deanna Feagins. Sheriff Dupnik made a motion to close the case with No Action, seconded by Chief Huntsman, motion carried unanimously.

Case #5 – Brian A. Fogel. Chief Huntsman made a motion to close the case with No Action, seconded by Sheriff Dupnik, motion carried unanimously.

Case #6 – Melvin G. Holt. Mr. Phelps made a motion to initiate proceedings, seconded by Mr. Duarte, motion carried unanimously.

Case #7 – David S. Kiss. Director Vanderpool made a motion to initiate proceedings, seconded by Mr. Phelps, motion carried unanimously.

Case #8 – Patricia McCormack. Director Vanderpool made a motion to initiate proceedings, seconded by Mr. Phelps, motion carried unanimously.

Case #9 – Andre E. Leonard. *Sheriff Butler recused himself from participation and voting on this case.* Director Vanderpool made a motion to close the case with No Action, seconded by Mr. Phelps, motion carried unanimously.

Case #10 – Preston P. Park. *Assistant Chief Anderson recused himself from participation and voting on this case.* Director Vanderpool made a motion to initiate proceedings, seconded by Dr. Polakowski, motion carried unanimously.

Case #11 – Lisa A. Reis. *Sheriff Dupnik recused himself from participation and voting on this case.* Ms. Flores made a motion to initiate proceedings, seconded by Mr. Duarte, motion carried unanimously.

Case #12 – Tamara K. Rich. Mr. Phelps made a motion to close the case with No Action with Agency Discretion, seconded by Director Vanderpool, motion carried with 3 nay votes.

Case #13 – Timothy Schimikowsky. Mr. Phelps made a motion to initiate proceedings, seconded by Chief Huntsman, motion carried unanimously.

Case #14 – Mark T. Spina. Director Vanderpool made a motion to initiate proceedings, seconded by Dr. Polakowski, motion carried unanimously.

Case #15 – Terry T. White. Mr. Duarte made a motion to initiate proceedings, seconded by Director Vanderpool, motion died with 6 nay votes. Mr. Phelps made a motion to close the case with Research Further, seconded by Ms. Flores, motion carried with 2 nay votes.

Case #16 – Kenneth M. Wilson. Director Vanderpool made a motion to initiate proceedings, motion died for lack of a second motion. Dr. Polakowski made a motion to initiate proceedings and offer a 3 month suspension of peace officer certification, seconded by Mr. Phelps, motion carried with 1 nay vote.

C. Adjourn

Chairman Butler adjourned the meeting at 11:54 p.m.

Dated October 20, 2005

Lois Sherlock, Recording Secretary